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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/962,077	09/14/1998	ROMAN M. GOLICZ	9534	8430

7590 11/18/2002

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EXAMINER

SKAGGS JR, H GRANT

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 11/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	08/962,077	GOLICZ ET AL.	
	Examiner Grant Skaggs	Art Unit 3653	
<b>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</b>			
<b>Period for Reply</b>			
<p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>			
<b>Status</b>			
<p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>09 September 2002</u>.</p> <p>2a)<input checked="" type="checkbox"/> This action is FINAL.      2b)<input type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>			
<b>Disposition of Claims</b>			
<p>4)<input checked="" type="checkbox"/> Claim(s) <u>26-45</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) <u>33-38 and 40-44</u> is/are withdrawn from consideration.</p> <p>5)<input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>26-32 and 45</u> is/are rejected.</p> <p>7)<input checked="" type="checkbox"/> Claim(s) <u>39</u> is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>			
<b>Application Papers</b>			
<p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input type="checkbox"/> The drawing(s) filed on _____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p>11)<input type="checkbox"/> The proposed drawing correction filed on _____ is: a)<input type="checkbox"/> approved b)<input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.</p> <p>12)<input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>			
<b>Priority under 35 U.S.C. §§ 119 and 120</b>			
<p>13)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <ol style="list-style-type: none"> <li>1.<input type="checkbox"/> Certified copies of the priority documents have been received.</li> <li>2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____ .</li> <li>3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ol> <p>* See the attached detailed Office action for a list of the certified copies not received.</p> <p>14)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).</p> <p>a)<input type="checkbox"/> The translation of the foreign language provisional application has been received.</p> <p>15)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>			
<b>Attachment(s)</b>			
<p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .</p>		<p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____ .</p>	

## **DETAILED ACTION**

Claims 33-38 and 40-44 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 19.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by Habich et al or Anderson et al (cited by applicants).

Habich et al shows a shaft 1, a first roller 9, a body 11, a second roller 12, a belt 13, means for moving the belt (2+) around the rollers, and means for imparting to the body a first moment created by rotary force to the body (the clockwise rotation of the shaft 1).

Anderson et al shows a shaft 49, a first roller 48, a body 52, a second roller 50, a belt 26, means for moving the belt drive to shaft 49, and means for imparting to the body a first moment (the direction of rotation of the belt 26).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Habich et al or Anderson et al in view of Marzullo (cited herewith).

Having the second roller of Habich et al or Anderson et al at a higher elevation than the first roller with the second roller above a stack of shingled sheets would be an obvious expedient if one so desired in view of the teaching of Marzullo. Note the stack of sheets s, the second roller 30 and the first roller 20 of Marzullo.

Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Habich et al or Anderson et al in view of O'Brien et al (cited by applicants).

Merely having the body 11 or 52 +of Habich et al and Anderson et al, respectively, have a bifurcated end to straddle the first roller and engage the shaft would require mere choice of art recognized equivalent connections as made obvious by O'Brien et al. Note 40 in Fig. 4 of O'Brien et al. With regard to claim 28 it is well known that belts connection pulleys can be made from elastomer and to do so with the modified Habich et al or Anderson et al apparatus would be obvious. In line 1 of claim 28 "isstretched" should be -is stretched--.

Claims 31-32 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Habich et al or Anderson et al in view of Watanabe.

To have the belts of Habich et al or Anderson et al formed with transverse ribs would require mere choice of known types of belt s for engaging sheets as made obvious by Watanabe. Note 7 of Watanabe. With regard to claim 32 merely having the

ribs of Habich et al or Anderson et al as modified rectangular with a width to height ratio between 1.3: 1 and 2.6 to 1 would be an obvious matter of choice since applicant has shown no clear teaching of criticality that the ribs must be rectangular in the defined ratio range. A mere statement that it performs better does not show criticality. With regard to claim 45 to have the triangular ribs of Habich et al or Anderson et al have a height to width ratio of between 2:1 and 4:1 would be an obvious matter of choice since applicant has shown no clear teaching of criticality that the ribs must be triangular in the defined ratio range. A mere statement that it performs better does not show criticality.

***Allowable Subject Matter***

Claim 39 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed September 9, 2002 have been fully considered but they are not persuasive. Applicants argue that neither Habich et al nor Anderson et al show any means for imparting to the body a first moment created by rotational frictional force applied to the body. As pointed out in the 102 rejection the clockwise rotation of the shaft 1 of Habich et al and the means imparting the rotation of belt 26 of Anderson et al are such a means and therefore the rejections are deemed proper. The new ground of rejection answers applicants arguments concerning claim 30. With regard to the application of O'Brian et al to Habich et al or Anderson et al, O'Brian et al is applied

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to the obviousness of using a bifurcated end connection and nothing more and thus the rejection is deemed proper. With regard to claim 29 the two defined moments are inherent in the application of Habich et al or Anderson et al as modified.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Grant Skaggs whose telephone number is 703-308-2573. The examiner can normally be reached on Monday thru Thursday 6:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Walsh can be reached on 703-306-4173. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

hgs  
November 12, 2002



H. GRANT SKAGGS  
PRIMARY EXAMINER